

From: [Pattillo, Mark E SWG](#)
To: [John Trevino](#)
Cc: [Mueller, Brian](#)
Subject: RE: SWG-2007-01220, Garrett Construction maintenance dredging (UNCLASSIFIED)
Date: Tuesday, March 19, 2013 2:54:30 PM

Classification: UNCLASSIFIED

Caveats: NONE

Project is 10/404 since dredged material will be used to fill jurisdictional waters in disposal area. The announcement outlines sampling guidelines that are non-specific to type of pollutant. We have decided to drop special condition No. 6 and attach portions of pp. 2 and 3 from the announcement to the project plans instead. All the project information was forwarded to Rafael who in turn forwarded it to Brian nearly 4 months ago and no further comments were received from EPA despite our request for special condition recommendations. Because of the length of time that has elapsed with no additional information received, we are proceeding on with the permit process. If Brian cares to comment, I will welcome his input, but we need the input soon. Our plan is to issue a permit before the end of March. Please let me know if you have any questions.

mp

-----Original Message-----

From: John Trevino [<mailto:john.trevino@tceq.texas.gov>]
Sent: Tuesday, March 19, 2013 2:15 PM
To: Pattillo, Mark E SWG
Cc: Gregg Easley; Lili Murphy; mueller.brian@epa.gov; Phillip Winsor
Subject: RE: SWG-2007-01220, Garrett Construction maintenance dredging (UNCLASSIFIED)

Mark,

Again, I apologize for the late response. I have some general and specific comments to this project and special conditions.

General

1. The ICN dated May 31, 2012 indicates that this project is being reviewed pursuant to Section 10 and Section 404. This dredging project is for an extension of time only with no changes and has NWP 16 language for certification of effluent return. Is this a Section 10 only? The reason I bring this up is that this project is similar to another project (SWG-1997-01485, Alamo Concrete Products) in the near vicinity that is a dredging project, Section 10 only, and has NWP 16 language. Please clarify if this is a Section 10 only.

Specific

2. As you know, the Garrett Construction maintenance dredging project borders the Falcon Refinery Superfund Site coordinated by EPA. As your email below states, EPA's Brian Mueller has recently been assigned to continue the EPA's Superfund RI/FS work for the Falcon Refinery site. I spoke with Brian Mueller this morning. He indicated that their recommendation has not changed from the original recommendations on 10/10/12. From their earlier email, "The EPA recommends that in order to determine any possible impacts to the proposed dredging locations, from the Site and/or several of the ongoing industrial activities located near the Site, that soil, sediment, and surface/ground water sampling and analyses be conducted prior to and during dredging. The EPA has previously analyzed these media for volatile organic compounds, semi-volatile organic compounds, metals (including mercury), pesticides/herbicides, and polychlorinated biphenyls, taking into consideration the respective human health and ecological screening levels". Several agencies have recommended that the Corps coordinate with EPA. Please coordinate with Brian at 214-665-7167 or at mueller.brian@epa.gov for any special condition language.

3. Please explain the special condition relating to "Public Announcement for the San Jacinto Waste Pits, dated, November 1, 2009." I realize that you added this condition as a screening process but isn't the Announcement specific to dioxin and not to the constituents of concern for the Falcon Refinery Superfund site?



9597590

I am copying Brian Mueller at his request. The TCEQ project manager for the Falcon Refinery Superfund site is Phillip Winsor, 512-239-1054, phillip.winsor@tceq.texas.gov.

Thanks for giving me the opportunity to respond to the special conditions.

Thank you,

John Trevino
Water Quality Division
Texas Commission on Environmental Quality
(512) 239-4600

-----Original Message-----

From: Pattillo, Mark E SWG [<mailto:mark.e.pattillo@usace.army.mil>]
Sent: Thursday, March 14, 2013 1:22 PM
To: John Trevino
Subject: FW: SWG-2007-01220, Garrett Construction maintenance dredging (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi again,

If TCEQ has any comments regarding the subject action and the proposed special conditions, please submit them to me by COB Monday 18 March 2013. I plan to finalize the decision document for approval after that. Please call if you have any questions.

Sincerely,

Mark P

-----Original Message-----

From: Pattillo, Mark E SWG
Sent: Monday, March 11, 2013 4:25 PM
To: 'John Trevino'
Subject: FW: SWG-2007-01220, Garrett Construction maintenance dredging (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi John,

I never heard anything more on this action from EPA, so I am proceeding onward with the permit process. I've copied the special conditions I plan to attach to the permit below. Please let me know if TCEQ has any suggestions, additions, revisions, etc.

Sincerely,

Mark P

1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. By accepting this permit, the permittee agrees to accept potential liability for both response costs and natural resource damages, to the same extent as would be inherent under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended (42 U.S.C. 9601 et. Seq.). Further, the permittee agrees that this permit does not exclude the permittee from liability under the CERCLA, nor does the permit waive any liability for response costs, damages, and any other costs that may be assessed under the CERCLA.
3. All future work, including maintenance dredging is required to meet the requirements listed in the Public Announcement for the San Jacinto Waste Pits, dated, November 1, 2009, unless these requirements are lifted or are superseded by future requirements.
4. Prior to the performance of hydraulic dredging, the permittee will obtain a Section 401-water quality certification from the TCEQ for the effluent or return water. The permittee will submit a copy of the Section 401-certification to the Corps of Engineers Chief of Compliance Galveston Regulatory Branch, prior to performing hydraulic dredging.

-----Original Message-----

From: Pattillo, Mark E SWG

Sent: Wednesday, October 10, 2012 3:56 PM

To: jtrevino@tceq.texas.gov

Subject: FW: SWG-2007-01220, Garrett Construction maintenance dredging (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Hi John,

Mr. Casanova sent the email below regarding the proposed Garrett Construction dredging and by association the Alamo Concrete dredging project. His recommendation is that the permittees conduct pre and post sampling until the EPA gets around to checking the area for contamination. I'm currently working on a special condition to address this, and I wanted to update you since this may affect TCEQ's WQ certification for these projects under NWP 16. It was also suggested to me that I find out the name of the TCEQ person that handles water quality for Superfund sites in this area to see if there are any additional requirements, minimum standards, etc. for these projects that I should include in the Special Condition. Please let me know if there is contact number for a TCEQ superfund site project manager, and also if you have any comments regarding Mr. Casanova's email.

Thanks,

Mark P

-----Original Message-----

From: Rafael Casanova [<mailto:Casanova.Rafael@epamail.epa.gov>]

Sent: Saturday, October 06, 2012 2:58 PM

To: Jim Herrington; Pattillo, Mark E SWG; garrettcorp@yahoo.com

Cc: Brian Mueller; Carlos Sanchez; Gloria-Small Moran; Robert Werner; moore.gary@epa.gov; Jason McKinney; Kenneth Shewmake; Anna Milburn; Barry Forsythe; Jessica.White@noaa.gov; PWINSOR@tceq.state.tx.us; Clare_Lee@fws.gov

Subject: Falcon Refinery Superfund Site - USACE Dredging Permits for Alamo and Garrett Construction

Hello all, the purpose of this e-mail is to provide the EPA's response to several inquiries concerning the subject proposed dredging activities, under USACE regulatory authority, in the vicinity of the Falcon Refinery Superfund Site (Site).

The EPA cannot yet determine whether the contaminants of potential concern (COPCs) from the Site have impacted the wetland areas adjacent to the Site or Redfish Bay. The EPA's determination is based on our understanding of the locations for the proposed dredging projects and the information obtained thus far during the EPA's ongoing

Superfund "Remedial Investigation and Feasibility Study" (RI/FS) for the Site.

The EPA has performed soil, surface water, and sediment sampling of the wetland areas located directly adjacent and southeast of the former refinery tank battery located south of the intersection of FM 2725 and Bishop Road, and northeast of Bishop and Sunray Roads. The EPA has also sampled Redfish bay, adjacent to the potentially responsible party's (PRP) docking facility, near the point where Sunray Road ends at Redfish Bay. The EPA has also obtained limited ground water data from the tank battery areas of the former refinery. The RI/FS is currently being conducted by the EPA since the PRP has not met its obligations under the "Administrative Order on Consent for a RI/FS" with the EPA. The EPA has issued a Task Order to EA Engineering to complete Phase II of the RI/FS. A "Field Sampling Plan" and "Quality Assurance Project Plan" are due to the EPA, TCEQ, and federal and state natural resource trustees (i.e., USFWS, NOAA, TPWD, GLO), for review, by the end of next week. Upon completion of the RI/FS, including the human health and ecological risk assessments, the EPA will then issue a "Record of Decision" stating the final remedy decision for the Site.

The EPA recommends that in order to determine any possible impacts to the proposed dredging locations, from the Site and/or several of the ongoing industrial activities located near the Site, that soil, sediment, and surface/ground water sampling and analyses be conducted prior to and during dredging. The EPA has previously analyzed these media for volatile organic compounds, semi-volatile organic compounds, metals (including mercury), pesticides/herbicides, and polychlorinated biphenyls, taking into consideration the respective human health and ecological screening levels.

This Site has been recently assigned to Brian Mueller (mueller.brian@epa.gov, 214-665-7167) to continue the EPA's Superfund RI/FS work; however, please contact me in the short-term for additional information concerning the Site.

Rafael Casanova, P.G. (Environmental Scientist) U.S. Environmental Protection Agency, Region 6 Superfund Division (6SF-RA)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Work Telephone # - (214) 665-7437

Work Telephone Toll-Free # - 1(800) 533-3508 Facsimile # - (214) 665-6660 E-Mail - casanova.rafael@epa.gov

Assigned Sites for Investigation and Remediation: (<http://www.epa.gov/earth1r6/6sf/6sf-tx.htm>):
Brine Service Company Superfund Site (Corpus Christi, Texas) Donna Reservoir and Canal Superfund Site (Donna, Texas) Many Diversified Interests, Inc. Superfund Site (Houston, Texas) Palmer Barge Line Superfund Site (Port Arthur, Texas) State Marine of Port Arthur Superfund Site (Port Arthur, Texas) Tar Creek Superfund Site (Oklahoma)

-----Original Message-----

From: Pattillo, Mark E SWG

Sent: Wednesday, September 05, 2012 12:08 PM

To: 'jtrevino@tceq.texas.gov'

Subject: FW: SWG-2007-01220, Garrett Construction maintenance dredging (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Dear John,

Agency comments for Garrett Construction project are attached FYI, also, email from EPA in email string below. Please call if you have any questions.

Sincerely,

Mark P

-----Original Message-----

From: Rafael Casanova [<mailto:Casanova.Rafael@epamail.epa.gov>]

Sent: Friday, August 31, 2012 3:05 PM

To: Andy Garrett

Cc: Pattillo, Mark E SWG; Jim Herrington; Gloria-Small Moran

Subject: Re: Falcon Refinery Superfund Site

Mr. Garrett, yes, I received the map from your office. I will be in contact with you and USACE after my review of the information that was submitted this week. I will be on travel most of next week and will try to respond by Friday September 7.

Rafael Casanova, P.G. (Environmental Scientist) U.S. Environmental Protection Agency, Region 6 Superfund Division (6SF-RA)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Work Telephone # - (214) 665-7437

Work Telephone Toll-Free # - 1(800) 533-3508 Facsimile # - (214) 665-6660 E-Mail - casanova.rafael@epa.gov

Assigned Sites for Investigation and Remediation: (<http://www.epa.gov/earth1r6/6sf/6sf-tx.htm> <<http://www.epa.gov/earth1r6/6sf/6sf-tx.htm>>):

Brine Service Company Superfund Site (Corpus Christi, Texas) Donna Reservoir and Canal Superfund Site (Donna, Texas) Falcon Refinery Superfund Site (Ingleside, Texas) Many Diversified Interests, Inc. Superfund Site (Houston, Texas) Palmer Barge Line Superfund Site (Port Arthur, Texas) State Marine of Port Arthur Superfund Site (Port Arthur, Texas)

Classification: UNCLASSIFIED

Caveats: NONE